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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,479	11/01/2001	Fabrice Vitry	283-01	1380

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EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/001,479

Applicant(s)

VITRY ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 4-6 is/are withdrawn from consideration.-
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7-10,12 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 11 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachments 1 and 2.

### DETAILED ACTION

1. This Office Action is in response to applicant's RCE filed on May 12, 2004. Claims 2 and 4-6 are withdrawn from consideration as been directed to a non-elected specie.

#### ***Claim Objections***

2. **Claims 1,16 and 22 are objected** to because of the following informalities:

- Claim 1 Line 7, change "the longitudinal" as -a longitudinal-.
- Claim 16 Line 9, change "the longitudinal" as -a longitudinal-.
- Claim 22 Line 3, change "the longitudinal" as -a longitudinal-.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 16-20 and 22 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,927,772 to Antonucci et al (Antonucci '772).

Regarding claims 16 and 22, Antonucci '772 discloses a latch assembly comprising an elongated housing (12) having two opposite sidewalls (See Attachment #1) thereto and a hook like shaped member (25) extending outwardly transversely thereto from an outside of a sidewall.

A pawl (28) is pivotally attached (at 32) to the housing and pivotally moved between a closed position and an open position. The pawl engages a keeper in the closed position. A spring member (40) biases the pawl to the open position.

The latch assembly further includes means (53) positioned within the housing and operating parallel to a longitudinal axis (located at any convenient point).

The pawl extends outwardly from the housing transversely to the longitudinal axis thereof and in adjacent proximity to the housing hook-like shaped member.

As to claim 17, Antonucci '772 discloses that the housing includes an opening in a sidewall thereof and the pawl operates through this opening (Figure 4).

As to claim 18, Antonucci '772 discloses that the pawl is mounted to the hook-like shaped member. The mounting location is outside of the sidewall from which the hook-like shaped member extends (Figure 4).

As to claim 19, Antonucci '772 discloses that the hook-like shaped member (28) is bifurcated and has a pair of spaced apart hook-shaped flanges (36,37 and 39).

As to claim 20, Antonucci '772 discloses that each of the hook-shaped flanges carries a recession (32 and 33), these recessions being juxtaposed, and wherein the pawl has a pair of pivot spindles (31) extending from opposite sides of the pawl, the pawl being snapably mountable into the hook-shaped flange recessions.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1,3,7-15 and 21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,927,772 to Antonucci et al (Antonucci '772) in view of US Pat No 5,076,622 to Detweiler.

Regarding claim 1, Antonucci '772 discloses a latch assembly comprising an elongated housing (12) having two opposite sidewalls (See Attachment #1) thereto and a hook like shaped member (25) extending outwardly transversely thereto from an outside of a sidewall.

A pawl (28) is pivotally attached (at 32) to the housing and pivotally moved between a closed position and an open position. The pawl engages a keeper in the closed position. A spring member (40) biases the pawl to the open position.

The pawl extends outwardly from the housing transversely to the longitudinal axis thereof and in adjacent proximity to the housing hook-like shaped member.

The latch assembly furthers a locking member (53) positioned within the housing and operating parallel to a longitudinal axis (located at any convenient point).

However, Antonucci '772 fails to disclose that the latch assembly further includes a solenoid to move the locking member against the pawl member. Antonucci '772 discloses the use of a manual operator (lock cylinder).

Detweiler teaches that it is well known in the art to have a latch assembly that the operator of a lock member (40) is a solenoid (32) or a manual operator (84).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a motor or a solenoid like the operator of a locking

member, as taught by Detweiler, into a device as described by Antonucci '772, in order to lock or open the latch assembly (by moving the locking member from engagement with the pawl).

As to claim 3, Antonucci '772 discloses that the housing includes an opening in a sidewall thereof and the pawl operates through this opening (Figure 4).

As to claim 7, Antonucci '772 discloses that the pawl is mounted to the hook-like shaped member. The mounting location is outside of the sidewall from which the hook-like shaped member extends (Figure 4).

As to claim 8, Antonucci '772 discloses that the hook-like shaped member (28) is bifurcated and has a pair of spaced apart hook-shaped flanges (36,37 and 39).

As to claim 9, Antonucci '772 discloses that each of the hook-shaped flanges carries a recession (32 and 33), these recessions being juxtaposed, and wherein the pawl has a pair of pivot spindles (31) extending from opposite sides of the pawl, the pawl being snapably mountable into the hook-shaped flange recessions.

As to claims 10 and 12, Antonucci '772 illustrates that the locking member (53) carries a collar at a point along the extension thereof (between where elements 52 and 53 in Figure 1 are pointing).

***Allowable Subject Matter***

7. **Claims 11 and 13 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. **Claims 14 and 15 are also allowed because the claims depend from claim 13.**

### **Reasons For Allowable Subject Matter**

8. The following is an examiner's statement of reasons for allowable subject matter:

Claims 11 and 13 present allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that a spring is positioned inboard of the locking member collar and operates against the solenoid from which the locking member extends to bias the locking member to extend outwardly from the solenoid.

Antonucci '772, as modified by Detweiler, fails to disclose that a spring is positioned inboard of the locking member collar and operates against the solenoid from which the locking member extends to bias the locking member to extend outwardly from the solenoid.

After reviewing the references, Detweiler fails to teach that a spring is positioned inboard of the locking member collar. Detweiler teaches that the solenoid (32) is the one having the spring, not the locking member (30). Therefore, Antonucci '772, as modified by Detweiler, fails to disclose the limitations presented in claims 11 and 13.

Allen (US 3,504,511) discloses a latch assembly comprising an elongated housing (15) having two opposite sidewalls thereto and a hook like shaped member (from where the pawl 30 extends) extending outwardly transversely thereto from an outside of a sidewall; a pawl (30) pivotally attached to the housing; a spring member (36) that biases the pawl to the open position; a locking member (41) and a solenoid (17).

However, Allen fails to disclose that the locking member includes a collar that houses a spring. Allen discloses that the locking member (41) includes a spring (42), but it is placed around a pivot pin (40), not inboard a collar in the locking member.

Ostdiek (US 6,036,241) teaches that is known in the art to have a spring (130) positioned inboard of a locking member collar (122). However this spring member (130) does not bias the locking member (114) to extend outwardly from the solenoid and the locking member does not intercept the pivotal path of the pawl.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

9. Applicant's arguments filed on May 12, 2004 have been fully considered but they are not persuasive.

As to applicant's arguments that Antonucci '772 fails to disclose a housing (Page 12 Line 8). Antonucci '772 discloses this limitation. The applicant submits that a "housing" is defined as: "something that covers, protects or supports" or "a frame, bracket, or box for holding or protecting a mechanical part." (Page 10 Line 25).

As clearly illustrated by Antonucci '772, element 12 is something that support and protect (the different pieces inside of it) and is a frame or bracket type that hold or



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protect a mechanical part (Figure 1). Therefore, according to the applicant's definition, Antonucci clearly discloses a housing (12).

As to applicant's arguments that the locking member presented by Antonucci '772 move or operates in an axis parallel to a longitudinal axis of the housing (Page 13 Line 17), Antonucci '772 discloses and illustrates this limitation.

As to applicant's arguments that the teachings of Detweiler, into the device as described by Antonucci '772, fail to disclose the invention as claimed (Page 14 Line 1), Antonucci '772, as modified by Detweiler, discloses the invention as claimed (see rejection to claim 1).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.



Carlos Lugo  
AU 3677  
July 12, 2004.

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600